REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claim 12 has been rewritten in independent form including all limitations of base claim 1 without otherwise touching the merits. Claim 2 has been cancelled without prejudice or disclaimer. Several other claims have been amended to better define the claimed invention. New claims 18-20 readable on the elected invention/species have been added to provide Applicants with the scope of protection to which they are believed entitled. The amended/new claims find solid support in the original specification and drawings. No new matter has been introduced through the foregoing amendments.

The sustained *35 U.S.C. 103(a)* rejections relying primarily on *Viral Marketing* are noted. The rejections are respectfully traversed for the reasons presented in the previous Amendment, which are incorporated by reference herein, and/or for one or more of the reasons presented herein, and/or believed overcome in view of the above amendments.

1. As to **independent claim 1**, Applicants respectfully submit that the applied references, especially *Viral Marketing*, fail to teach or suggest that "the advertisement included in the e-mail is convertible between an inactivated state and an activated state, and vice versa, by an activating member provided separately from the advertisement and also included in the email." The claim language now requires that the advertisement be switched from the inactivated state to the activated state, and from the activated state to the inactivated state, both by an activating member included in the email.

The Office's official notice that an icon or a link is readable on the claimed activating member is noted, but deemed inaccurate. It is acknowledged that the activation of an icon or a link

might cause an attachment (which is considered by the Office to read on the claimed advertisement) to open. This attachment opening is, at best and if at all, readable on the claimed switch from an inactivated (unopened) state to an activated (open) state. However, if the icon or link is activated again, the opened (activated) attachment will not be switched back to the unopened (inactivated) state; instead, the attachment will be opened again, for the second time, without the first opened instance being closed. The Office's icon or link might meet an one-way conversion (from unopened to opened) but fails to teach or suggest the two-way conversion (i.e., and vice versa) as presently claimed.

The deficiency of *Viral Marketing* is not deemed curable by the teaching reference(s), and therefore independent claim 1 is patentable over the applied art of record.

2. As to **independent claim 3**, Applicants respectfully disagree with the Office's obviousness rationale, especially the Office's Response to Arguments. Specifically, *Viral Marketing*, contrary to the Office's allegation in Response to Arguments, neither teaches nor suggests that "customers are also active sellers" (emphasis added).

It is acknowledged that *Viral Marketing* discloses, at page 2, line 4 from bottom, that "Viral Marketing captures the essence of multi-level-marketing and applies it to all customers." The reference, however, fails to teach or suggest what "multi-level-marketing" means. Nor there is any evidence of record that might explain how a person of ordinary skill in the art, at the time the invention was made, would consider "multi-level-marketing" to include "customers as active sellers." Accordingly, Applicants respectfully submit that the Office's allegation that the reference teaches "customers are also active sellers" is evidentially unsupported. The Office is kindly requested to either withdraw the allegation or to produce evidence of good date showing that the concept was in fact included in the skilled artisan's understanding of "multi-level-marketing" at the time the invention was made.

Applicants respectfully maintain the previously presented position that customers in *Viral Marketing*, although "do the selling" as disclosed at page 2, line 11 from bottom of the reference, do so inactively. The inactive role of the customers is apparent from the reference's description of viral-like spread of the service in the section "Elements of Viral Marketing" on pages 2-3 of the reference. Patients/customers do not spread viruses/services on purpose, they do so inactively, simply by sneezing/using the service. Like a patient who does not choose which virus to spread, a customer in *Viral Marketing* does not choose which advertisement to send with his email. Therefore, the applied references do not teach or suggest the claim feature that the transmitting part selects one e-mail page the included advertisement to be sent with his/her email.

The deficiency of *Viral Marketing* is not deemed curable by the teaching reference(s), and therefore independent claim 3 is patentable over the applied art of record.

3. **Independent claim 4** includes a feature similar to claim 3, and should be considered patentable for at least the reasons detailed above in section 2.

4. Independent claim 4 is also patentable because the applied references, especially *Viral Marketing*, do not teach or suggest that "when the email is received and opened by the receiving part, the advertisement, an activating member and a body of said email are displayed together in an email main screen..."

As discussed above, the Office argues that an icon of link, when activated, will cause the attachment to be opened. Such opened attachment, however, will not be opened in the same email main screen in which the activating member (icon/link) and the email body are displayed. Rather, a separate, different screen/window will be opened to display the attachment.

Accordingly, the references as applied in the Office Action do not teach or suggest the claim feature at issue.

5. Still with respect to independent claim 4, the applied references, especially Viral Marketing, do not teach or suggest that "the advertisement displayed in the email main screen is hidden from being viewed in said email main screen upon activation of said activating member."

As discussed above, the Office's reliance on an icon or link might meet, if at all, a showing/opening of the advertisement/attachment when the icon/link is activated. However, no matter how many times such icon/link is activated the opened attachment will not be hidden from view. Accordingly, the references as applied in the Office Action do not teach or suggest the claim feature at issue.

For any of the reasons detailed above in sections 3-5, Applicants respectfully submit that independent claim 4 is patentable over the applied art of record.

6. **Independent claim 12** includes features similar to claims 1 and 4, and should be considered patentable for at least the reasons detailed above in sections 1, 4 and 5.

7. The **dependent claims, including any new claim(s)**, are considered patentable at least for the reason(s) advanced with respect to the respective independent claim(s).

8. New **claim 18** includes features similar to claim 1, and should be considered patentable for at least the reasons detailed above in section 1.

9. New **claim 19** includes features similar to claim 4, and should be considered patentable for at least the reasons detailed above in section 4.

10. New **claim 20** includes features similar to claim 4, and should be considered patentable for at least the reasons detailed above in sections 4 and 5.

Accordingly, all claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under *37 C.F.R. 1.136* is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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